

## **Planning and Zoning: Energy and the Environment**

The overall goal of the Executive Office of Energy and Environmental Affairs (EEA) for the Zoning Reform Task Force is to achieve land use planning and regulatory reforms that encourage clean energy and smart growth, consistent with the Governor's Sustainable Development Principles<sup>1</sup>.

### **Energy Goals:**

Promote Clean Energy: Maximize energy efficiency and renewable energy opportunities. Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.

Chapter 40A does not address clean energy in any comprehensive fashion. Section 3 does provide for a zoning exemption for solar energy, and also allows for the Department of Public Utilities to issue zoning overrides to public service corporations. (It is unclear whether renewable energy facilities would be deemed a "public service corporation"). The master planning statutes and the subdivision control law do not address energy at all. Few communities have:

- Adopted land use regulations that facilitate wind or other renewable energy technologies (many communities actually prohibit or inhibit these technologies)
- Implemented regulations that require or encourage energy efficiency or green buildings
- Assessed current emissions and energy use
- Completed a climate action or energy plan
- Set targets for reduced energy use or greenhouse gas emissions
- Provided incentives for energy efficient development

As part of this zoning reform task force, EEA will seek reforms to Chapter 40A, Chapter 41D, and other statutes to stimulate clean energy and energy efficiency. Such reforms might include incentives or mandates upon municipalities to complete energy plans and allow clean energy facilities in certain zoning districts, provisions for zoning relief for green buildings, and incentives or mandates for municipalities to consider and reduce energy consumption in land use planning and zoning bylaws.

### **Environmental Goals:**

- Concentrate Development and Mix Uses: Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.

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<sup>1</sup> The Governor's Sustainable Development Principles can be found at:  
[http://www.mass.gov/Agov3/docs/smart\\_growth/patrick-principles.pdf](http://www.mass.gov/Agov3/docs/smart_growth/patrick-principles.pdf)

- Protect Land and Ecosystems: Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open spaces and recreational opportunities; and
- Use Natural Resources Wisely: Construct and promote developments, buildings, and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water, and materials.

#### Status Quo:

- Communities are required to have a master plan, but few communities comply.
- Zoning, not planning, is the legal basis for future development
- Air quality, water quality and quantity, habitat fragmentation and many other environmental concerns (as well as housing quantity and diversity, traffic, service and infrastructure costs, community character, and quality of life) are all negatively impacted by current development patterns. Prime culprits - large land area requirements and single use zoning.
- Recent statutory changes – 40R and 43D – encourage concentration of growth but do not address sprawl outside district borders.
- ANR – the quickest path to a permit – creates an incentive for low density sprawl.
- Vesting statutes deter large scale rezoning needed to protect natural resources and concentrate growth

As part of this zoning reform task force, EEA will seek modifications to Chapter 40A, Chapter 41D, and other statutes to protect natural resources. Such changes might include incentives or mandates upon municipalities to complete master plans and implement consistent land use regulations that target growth to appropriate locations, permanently conserve sensitive lands and natural resources, and utilize low impact development practices. Contemplated reforms include:

- Sensitive siting, reduced land consumption, higher density, mixed use, and better design through zoning that:
  - Protects natural resources through agricultural or forestry zones, clustering, transfer of development rights, and other creative zoning techniques; and
  - Reflects the patterns of our past; cities, towns, villages and hamlets surrounded by undeveloped countryside instead of uniform suburbanization.
- “Real” home rule within specified parameters (a “code of conduct”) that address the needs of the Commonwealth and regions, not just the sometimes parochial concerns of a community
- Up front provision of clear, individualized expectations and funding for plans and regulations with local flexibility as to how environmental and other goals are met.
- Receipt of enhanced planning and regulatory powers upon master plan approval
- Stated consequences for municipal failure to implement plans and regulations